HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.476 of 2007

Between:

Smt.Andal Raghavan

... Appellant

And

The Deputy Commissioner,
Endowments Department, Kakinada

... Respondent

Counsel for the appellant: Shri P. Yadagiri Rao

Counsel for the respondent: Government Pleader for Endowments

::JUDGMENT::

July 06, 2007

Per G.S. Singhvi, CJ

Feeling aggrieved by order dated 26.3.2007 passed by the learned Single Judge in Writ Petition No.35 of 2007, whereby he declined her prayer for quashing notice dated 14.12.2006 issued by Deputy Commissioner, Endowments, Kakinada proposing to

constitute Trust Board for Sri Bala Venkateswara Swamy Temple, Tallamudunurupadu, Tadepalligudem, West Godavari District, the appellant has filed this appeal under Clause 15 of the Letters Patent.

On 14.6.2007, Shri P. Yadagiri Rao, learned counsel for the appellant submitted that the application made by his client for grant of exemption from the operation of Section 15 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, 'the Act') has not been decided by the competent authority. After taking note of the assertion made by the learned counsel, we directed the learned Government Pleader to seek instructions and make a statement regarding the fate of application made by the appellant. On the next date of hearing i.e. 25.6.2007, the learned Government Pleader gave out that the application allegedly made by the appellant under Section 15 of the Act is not pending with the competent authority. He then filed an affidavit of Shri Ch.V.Gopinath, Deputy Secretary to Government, Revenue (Endowments) Department wherein the officer concerned reiterated the stand taken by the learned Government Pleader on 25.6.2007.

On 29.6.2007, learned counsel for the appellant made a request for adjournment to enable his client to show that an application addressed to the Chief Secretary or Deputy Commissioner, Endowments can be treated as one made to the State Government.

Today, Shri Yadagiri Rao submitted that de hors the controversy raised in the writ petition and this appeal, the Court may direct the Principal Secretary to the Government, Revenue (Endowments) or any other competent authority to decide the application dated 21.12.2006 made by his client for grant of exemption from the operation of Sections 15 and 17 of the Act and till

then, the respondents be directed not to finalise constitution of the Trust Board.

Learned Government Pleader for Endowments fairly stated that the application made by the appellant will be decided by the competent authority within three weeks and action initiated for constitution of the Trust Board will be finalized thereafter.

In view of the statements made by the learned counsel for the parties, we do not consider it necessary to examine the correctness or otherwise of the order under challenge and dispose of the appeal in the following terms:

1) Application dated 21.12.2006 submitted by the appellant for grant of exemption from the operation of Sections 15 and 17 of the Act shall be decided by the competent authority within a period of three weeks from today and till then, the action initiated vide notice dated 14.12.2006 issued by Deputy Commissioner (Endowments), Kakinada shall be kept in abeyance.

2) If the application made by the appellant is rejected, the competent authority shall be free to finalise constitution of the Trust Board of the temple. The appellant shall also be free to challenge the order passed by the competent authority by availing appropriate legal remedy.

As a sequel to disposal of the writ appeal, WAMP No.909 of 2007 filed by the appellant for interim relief is dismissed.

G.S. SINGHVI, CJ

July 06, 2007

C.V. NAGARJUNA REDDY, J

svs

Note:

Court Officer is directed to give attested copy of this order to the learned counsel for the appellant and the learned Government Pleader.

(By order)

svs